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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	09/08/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			VERBITSKY, GAIL KAPLAN	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,600

Applicant(s)

CAMENZIND ET AL.

Examiner

Gail Verbitsky

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-3, 8-9, 11, 13-14, 23-25, 41-91 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) _____ is/are rejected. 41-49, 51-73, 75-91

- 7) ☒ Claim(s) _____ is/are objected to. 2-3, 8-9, 11, 13-14, 23, 25, 50, 74

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment #1</u> |

DETAILED ACTION

Specification

1. A) The amendment filed on August 09, 2005 and February 16, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: it appears that the "electronic" (digital scale), as claimed by applicant, has not been described in originally filed claims and specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

B) Claims 23, 52, 74: the limitation stating: "said control access member comprising as Access-Control-Circuit which emits an access signal" has not been described in the originally filed disclosure. This is a new matter situation.

Applicant is required to cancel the new matter in the reply to this Office Action.

C) It appears that in the specification, the Applicant uses the terms "cover" and "casing" interchangeably. It also appears that the Applicant uses the same numeral, i.e., "6, 7" to identify both, the cover and the casing, although, other numerals, i.e., "33" are used to identify the "casing" throughout specification.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "Access-Control-Circuit" and "electronic scale" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 23, 52, 73-74 are objected to because of the following informalities:

Claims 23, 52, 74: claims are objected due to the reason stated above in paragraph 1.

Claim 73: "Locali[s]ation" should be replaced with --Localization--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41-45, 47-48, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. 4854045) in view of Vinci, McIntosh and Helberg (U.S. 6043438).

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one measuring and display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two cover plates and a casing connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module, batteries, entry keys (menu device/ keypad) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number (plurality) of measuring devices contained in the modules. This would imply, that Schaub suggests measuring a plurality of values. Additional tools can include a calculator, etc. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and converters are parts of the calculators.

Although Schaub clearly suggests having a sensor unit and measuring plurality of values, Schaub is silent so as of measuring physical values and a plurality of sensors

sensing/ measuring a plurality of physical values and that the menu is used for selection, as stated in claims 41-45, 47-48, 51.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values including altitude and air pressure gauges by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to have an electronic scale: Helberg teaches to have scale/ weighing hook with an electronic display. This would imply, that there is a conversion

circuit converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub, Vinci and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, McIntosh and Helberg as applied to claims 41-45, 47-48, 51 above, and further in view of Vance.

They do not explicitly teach a pressure sensitive switch.

Vance teaches that pressure sensitive switches are more frequently used in our days with portable/ pocket devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, Vinci, McIntosh and Helberg, so as to have a pressure sensitive switch, as taught by Vance, because these switches are frequently used with portable pocket devices, they could be small sizes and easily integrated into the pocket device of interest.

7. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, McIntosh and Helberg as applied to claims 41-45, 47-48, 51 above, and further in view of Tymkewicz.

Schaub, Vinci, McIntosh and Helberg disclose the device as stated above.

They do not teach the limitations of claim 49.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the life of the device.

8. Claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Vinci.

Schaub discloses the device as stated above.

For claim 52: Schaub teaches in Fig. 2 a multifunctional tool comprising at least one pocket knife, at least one display and measuring device, display and a menu are arranged in one of at least two covers, the cover A (23 combined or integral with an inner module 20). Schaub states that a portion (internal module/ internal surface) 20 of the cover A is provided with expansion possibilities. This would imply, that the other modules could be mounted/ arranged to the inner surface of the portion 20, and that display and measuring devices would be arranged on the cover A and enclosing the knife along with another cover 26.

For claim 68: Schaub discloses in Fig. 2 a casing 23 which is integral with a cover 20 (on the casing 23) enclosing the knife along with another cover 26. The display and measuring device is arranged/ mounted onto the cover 20, and since the cover 20 is an

integral with the casing, the display and measuring device is arranged/ mounted onto the casing 23.

For claim 79: Schaub discloses in Fig. 2 a casing A (comprising a structure 23 and a structure 20). When the device is expanded, the display and measuring device is arranged/ mounted directly onto the internal surface of the casing A.

For claim 80: Schaub discloses in Fig. 2 a casing A (comprising a structure 23 integral with a cover 20) and casing B (structure 26). Thus, the cover 20 is an internal surface of the structure 23/ casing A. The knife is disposed within the casing A and B and, thus, within the cover plate 20. The display and measuring device, and a plurality of additional tools (modules) are located within the casing A and B. When the device is expanded, the display and measuring device is arranged/ mounted directly onto the internal surface of the casing A, which is the internal surface is a cover 20, as shown in Fig. 2. (The numerals A-B have been added by the Examiner, see attachment # 1 to the Office Action)

Although Schaub clearly suggests having a sensor unit and plurality of modules by expanding the tool, Schaub is silent so as of measuring pluralities of the particular physical values and a plurality of the particular sensors sensing/ measuring a plurality of physical values, as claimed by applicant.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values including altitude by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

9. Claims 61 rejected under 35 U.S.C. 103(a) being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of La Neve (U.S.634719).

Schaub and Vinci disclose the device as stated above.

They do not teach the limitations of claim 61.

La Neve discloses a tool arm 16 with a spatula 14 comprising a retractable temperature sensing awl 10 with a temperature feeler.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device disclosed by Schaub and Vinci, so as to make the device useful as a temperature sensing probe useful during camping food preparation.

10. Claims 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of Tymkewicz.

Schaub and Vinci disclose the device as stated above.

They do not teach the limitations of claims 76.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the life of the device.

11. Claims 60, 71, 75, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of McIntosh and Helberg (U.S. 6043438).

Schaub and Vinci disclose the device as stated above.

They do not teach the scale.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to have an electronic scale: Helberg teaches to have scale/ weighing hook with an electronic display. This would imply, that there is a conversion

circuit converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

12. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of Mellors et al. (U.S. 3921049) [hereinafter Mellors].

Schaub and Vinci disclose the device as stated above.

They do not teach that the battery is a solar cell/ battery.

Mellors discloses a solar battery that could be usable with at least watches.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and Vinci, so as to have a solar cell, as taught by Mellors, in order to obtain a rechargeable power for the device.

13. Claims 55, 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of Kubota et al. (U.S. 5724317) [hereinafter Kubota].

Schaub and Vinci disclose a device in the field of applicant's endeavor. They disclose all the limitations of the instant application with the exception of a barometer and an altimeter (measuring atmospheric pressure and altitude).

Kubota discloses a device having means for measuring and displaying a plurality of physical values such as atmospheric pressure (barometer) and altitude, temperature. All measuring means are located within the same casing, which, inherently, makes the device function as a multifunctional tool.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a barometer and an altimeter, as taught by Kubota, to the device disclosed by Schaub, so as to provide the user with more data that desirable to obtain especially when the user is camping/ traveling/diving.

14. Claim 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-58, 64-70, 72-73, 79-85, 87-88 above, and further in view of Vance (U.S. 6313731).

They do not explicitly teach a pressure sensitive switch.

Vance teaches that pressure sensitive switches are more frequently used in our days with portable/ pocket devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub and Vinci, so as to have a pressure sensitive switch, as taught by Vance, because these switches are frequently used with portable pocket devices, they could be small sizes and easily integrated into the pocket device of interest.

Allowable Subject Matter

15. Claims 23, 2-3, 8-9, 11, 13-14, 25, 50, 74 are objected.

Response to Arguments

16. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant states that prior art does not teach electronic scale in that the prior art teaches a mechanical scale with an electronic/ digital output. This argument is not persuasive because applicant does not describe electronic scale in the originally filed specification. Also, it is very well known in the art, that devices having digital output are called digital even their sensing elements are analog.

This argument is not persuasive because the PCT application, the Applicant refers to as a priority application, does not describe an electronic or digital scale.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods

Liu (U.S. 5652587) teaches that a knife 9 can be combined/ integral with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

Penaligon et al. (U.S. 5621936) teaches a multifunctional hand tool comprising a pocketknife combined with a key (access control member).

Izhak (U.S. 5495942) teaches a device comprising a pocketknife combined with a key (access control member).

O'Donnell (U.S. 5392622) teaches a multifunctional hand tool comprising a pocketknife combined with a key (access control member).

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Tuttle (U.S. 6768415) discloses a portable/ pocket RFID device with a pressure sensitive switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

Gail Verbitsky
Primary Patent Examiner, TC 2800



August 21, 2006

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U.S. Patent

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Fig. 1

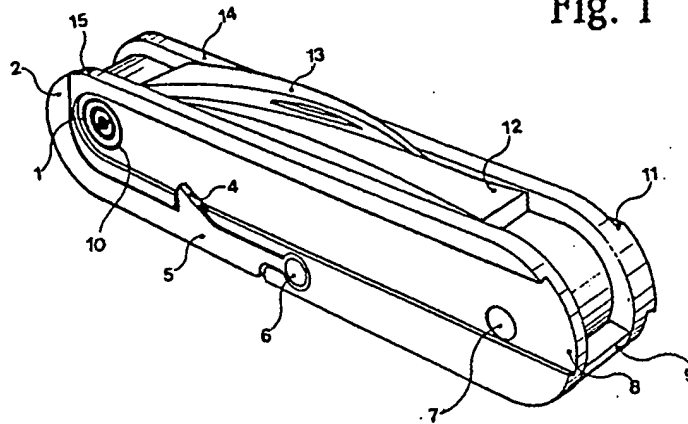
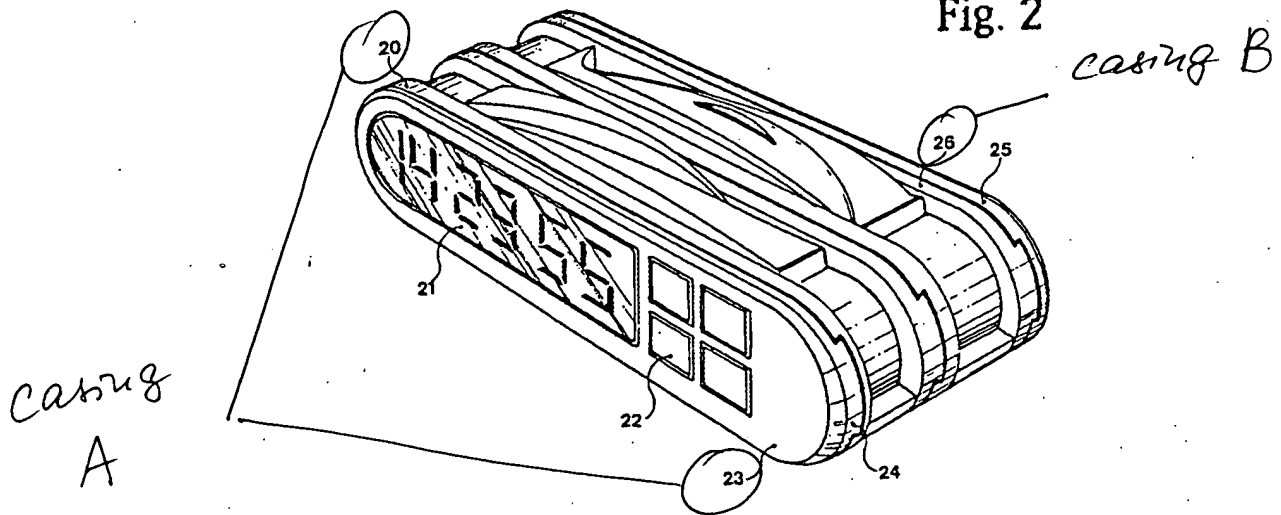


Fig. 2



attachment #1
(08/21/06)